

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**
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In re:

KATHY JO WATERS,

CASE NO. 8:18-BK-10563-MGW
CHAPTER 13

Debtor,

**MOTION FOR APPOINTMENT OF CYLENA
WATERS AS HOLDER OF POWER OF ATTORNEY ON BEHALF
OF DEBTOR KATHY JO WATERS PURSUANT TO FED R. BANKR. P. 1004.1**

COMES NOW, the Debtor, KATHY JO WATERS, by and through her undersigned counsel and hereby respond to the Court's Order to Show Cause on Authority to File Bankruptcy as follows:

1. The Debtor requests that this Court appoint her daughter, Cylena Waters of 7906 N. Edison Avenue, Tampa, FL 33604 to be her Guardian Ad Litem. Ms. Waters is Debtor's daughter and primary caretaker;
2. Cylena Waters is the valid holder of power of attorney Debtor executed on August 14th, 2017, which is attached to this Motion as Exhibit A;
3. Cylena Waters is fully aware of all debts, assets and finances for the Debtor;
4. It is in the best interest of the Debtor to allow her daughter to appear at the Meeting of Creditors so that she may assist in answering the trustee's questions accurately.
5. The Debtor is suffering from medical issues causing severe memory loss, as evidenced from the attached correspondence, signed by Dr. Jin M. Kim, D.O., attached to this motion as Exhibit B;

6. The Debtor currently needs assistance with daily tasks, which Cylena Waters provides;

7. Due to her medical illnesses, the Debtor is unable to manage her household's finances; therefore the responsibility for managing and paying all household expenses falls on Cylena Waters; Cylena Waters will continue to assist the Debtor in her financial affairs on an on-going basis.

8. As such, Cylena Waters is in the best position to aid in the administration of the case as evidenced in her affidavit, attached to this motion as Exhibit C.

9. Cylena Waters will not be charging any fees to assist the Debtor in this capacity.

10. Cylena Waters has been working as a registered nurse for an orthopedic surgeon since July 1999.

11. Cylena Waters criminal history involves a 2005 Misdemeanor Domestic Violence Battery charge, which was thrown out by the prosecution (Hillsborough County Case No. 05-CM-023527-A), a 2012 DUI that was reduced to reckless driving (Hills County Case No. 12-CT-063747), and various minor traffic infractions.

12. The Debtor does not have any unsecured debt. Her only debt is a mortgage for her homestead property for which she is seeking a loan modification. This mortgage was taken out in 2006 solely for the benefit of the Debtor.

WHEREFORE, the debtor respectfully requests this Honorable Court to enter an order appointing her as holder of power of attorney for Kathy Jo Waters, and retroactively apply this appointment to the date of filing of this case, and for any further relief this court deems just and necessary for the administration of this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Debtor's Motion for Appointment was served on the 11th day of February, 2019 to all parties listed on the attached Mailing Matrix.

FL LEGAL GROUP

By: /s/ Niurka Fernandez Asmer, Esquire

NIURKA FERNANDEZ ASMER, ESQ.

Florida Bar Number: 370680

FL Legal Group

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Tampa, FL 33607

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Label Matrix for local noticing
113A-8
Case 8:17-bk-07379-MGW
Middle District of Florida
Tampa
Mon Feb 11 13:30:59 EST 2019

Deutsche Bank National Trust Company America
Robertson, Anschutz & Schneid, P.L.
6409 Congress Ave
Suite 100
Boca Raton, FL 33487-2853

Kathy Jo Waters
7908 N. Edison Avenue
Tampa, FL 33604-3913

Department of Revenue
PO Box 6668
Tallahassee, FL 32314-6668

Deutsche Bank Trust Company Americas
Ocwen Loan Servicing, LLC
ATTN: Cashiering Department
1661 Worthington Rd., Suite 100
West Palm Beach, FL 33409-6493

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Ocwen Loan Servicing, LLC
Attn: Research/Bankruptcy
1661 Worthington Rd Ste 100
West Palm Bch, FL 33409-6493

William C Harrison +
Kelly Remick, Chapter 13 Trustee
P O Box 6099
Sun City Center, FL 33571-6099

United States Trustee - TPA7/13 7+
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602-3949

Ryan N Singleton +
LeavenLaw
3900 First Street North, Suite 100
St. Petersburg, FL 33703-6109

Christopher P Salamone +
Robertson, Anschutz & Schneid, P.L.
6409 Congress Avenue, Suite 100
Boca Raton, FL 33487-2853

Kelly Remick +
Chapter 13 Standing Trustee
Post Office Box 6099
Sun City, FL 33571-6099

Keith Scott Labell +
Robertson, Anschutz, & Schneid, P.L.
6409 Congress Avenue, Suite 100
Boca Raton, FL 33487-2853

April G Harriott +
Roberson, Anschutz & Schneid, PL
6409 Congress Avenue
Boca Raton, FL 33487-2853

End of Label Matrix
Mailable recipients 13
Bypassed recipients 0
Total 13

EXHIBIT A

SPECIFIC POWER OF ATTORNEY

I, **Kathy Waters** of 7908 N. Edison Avenue, Tampa, FL 33604, do make, constitute and appoint, **Cylena Waters** of 7906 N. Edison Avenue, Tampa, FL 33604 as my attorney-in-fact to carry out any act or thing whatsoever, which she may deem necessary in order to file and complete my bankruptcy case including, but not limited to, signing all of my bankruptcy schedules, forms, pleadings or other documents and attending any and all scheduled meetings and/or hearings on my behalf.

All powers exercised by my attorney-in-fact may be exercised without application to, approval of, or ratification by any Court, and without my attorney-in-fact having to post any bond or security.

WITNESS my hand and seal, this 14th day of August, 2017.

[Signature]
Witness

Print Name Ryan Singleton

[Signature]
Witness

Print Name Judy Ralph

Kathy Waters
Kathy Waters

8-14-17
Date

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county named above to take acknowledgements, personally appeared _____ who has produced Florida D.L. as identification or who is personally known to me to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily.

Subscribed and sworn before me this 14th day of August, 2017.

My Commission Expires:

[Signature]
Notary Public





TLC Family Medical & Rehab Center

Dr. Jin M. Kim, D.O. • Board Certified Family Practice

10205 W. Hillsborough Ave., Ste. B • Tampa, FL 33615 • P: 813.884.2300 • F: 813.884.2390

11357 Countryway Blvd. • Tampa, FL 33626 • P: 813.925.8800 • F: 813.925.8840

EXHIBIT B

To Whom It May Concern:

Ms. Kathy Waters established with us in 2015. Some of the things we have treated her for consists of hypertension, cardiomyopathy, COPD, epileptic seizures, atherosclerosis of aorta and cerebral aneurysm. Due the fact that she has neither the medical nor mental capacity to continue taking care of herself and is in need of constant care, we deem it medically necessary for Ms. Waters to have Cylena Waters, as her caregiver.

Best,

Jin M. Kim D.O.

EXHIBIT C

AFFIDAVIT OF CYLENA WATERS

The undersigned, Cylena Waters, being duly sworn states as follows:

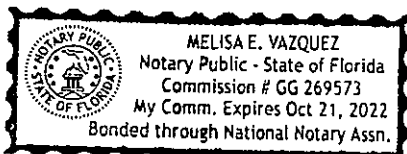
1. My name is Cylena Waters of 7906 N. Edison Avenue, Tampa, FL 33604. I am the Debtor's daughter;
2. Prior to filing the bankruptcy petition, I was appointed to be representative for the Debtor by a written power of attorney, valid under nonbankruptcy law, expressly authorizing me to file a bankruptcy petition on behalf of the Debtor;
3. I am the Debtor's primary caregiver and I will be present and prepared to speak in detail as to the Debtor's ability to conduct her own affairs.
4. Due to her medical illness, the Debtor is unable to manage her financial affairs, therefore the responsibility for managing and paying all household expenses falls on me;
5. I am fully aware of all debts, assets and finances, as such, I am in the best position to aid in the administration of the case;
6. Criminal, financial, and professional history
7. I am not charging the Debtor a fee in connection with the bankruptcy;
8. I do not have any current or potential future interest in the Debtor's financial affairs; and
9. None of Debtor's debts were incurred for my benefit.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.

Cylena Waters
CYLENA WATERS

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO and subscribed before me on 11th day of February 2019, by Cylena Waters, ☒ who is personally known to me or who has produced (type of identification) as identification.



Melisa E. Vazquez
Notary Public
Printed Name: Melisa E. Vazquez
My Commission Expires: 10/21/2022